

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ADIDAS AMERICA, INC., an Oregon corporation; **ADIDAS AG**, a foreign entity; **ADIDAS INTERNATIONAL MARKETING B.V.**, a foreign entity,

Plaintiffs,

v.

FOREVER 21 INC., a Delaware corporation, et al.,

Defendants.

No. 3:17-cv-00377-YY

PERMANENT INJUNCTION AGAINST DEFENDANT PRIME FOOTWEAR GROUP, INC., ON CONSENT

MOSMAN, J.,

Having considered the Second Amended Complaint on file in this action, and Defendant Prime Footwear Group, Inc. ("Prime") having consented to the terms of the permanent injunction set forth below, this Court hereby finds as follows:

1. Plaintiffs adidas America, Inc., adidas AG, and adidas International Marketing B.V. (collectively, "adidas" or "Plaintiffs") own and use the Three-Stripe trademark (the "Three-Stripe Mark"), which is covered by numerous valid U.S. Trademark Registrations, including Registration Nos. 870,136, 961,353, 1,815,956, 1,833,868, 2,016,963, 2,058,619, 2,278,589, 2,278,591, 2,284,308, 2,909,861, 2,999,646, 3,029,127, 3,029,129, 3,029,135, 3,063,742, 3,063,745, 3,087,329, 3,183,656, 3,183,663, 3,236,505, 3,842,177, 3,846,203 and 4,910,643.

1- **PERMANENT INJUNCTION AGAINST DEFENDANT PRIME FOOTWEAR GROUP, INC., ON CONSENT**

2. On October 13, 2017, adidas filed its Second Amended Complaint in this action, claiming, *inter alia*, that Prime was designing, sourcing, manufacturing, distributing, marketing, promoting, offering for sale, and/or selling the footwear depicted below, which adidas alleges bears a confusingly similar imitation of adidas's federally registered Three-Stripe Mark (the "Disputed Footwear"):



3. Prime accepted service of the Summons and Second Amended Complaint on November 22, 2017, but has not yet filed an Answer or any other pleading in response to the Second Amended Complaint.

4. The Court has jurisdiction over the subject matter of this action and, for purposes of this action and with the consent of Prime, over Prime, and venue in this action is proper in this judicial district.

Accordingly, **IT IS HEREBY ORDERED** that:

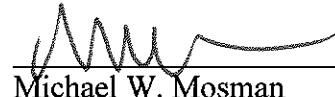
1. Prime and all of its agents, officers, employees, representatives, successors, assigns, attorneys, and all other persons acting for, with, by, through, or under authority from Prime, or in concert or participation with Prime, and each of them, are **PERMANENTLY ENJOINED and RESTRAINED**, from:

2- PERMANENT INJUNCTION AGAINST DEFENDANT PRIME FOOTWEAR GROUP, INC., ON CONSENT

- a. importing, manufacturing, producing, advertising, promoting, displaying, distributing, offering for sale, or selling the Disputed Footwear; and
 - b. importing, manufacturing, producing, advertising, promoting, displaying, distributing, offering for sale, or selling any other footwear bearing the Three-Stripe Mark or any other confusingly similar imitation of adidas's Three-Stripe Mark, including, without limitation, any apparel with one additional stripe (i.e., four stripes) or less one of the three stripes (i.e, two stripes).
2. This Court shall have continuing jurisdiction to enforce the provisions of the permanent injunction entered herein.
3. The Clerk shall enter final judgment for Plaintiffs as to all claims asserted against Prime in adidas's Second Amended Complaint, with Plaintiffs and Prime each bearing its own costs, including attorneys' fees.

IT IS SO ORDERED.

This 26 day of February, 2018.



Michael W. Mosman
Chief United States District Court
Judge for the District of Oregon